

ARDEN AND ILENE ARRINGTON
PO BOX 1110
SALMON, ID 83467
208.756.1322

RECEIVED
SEP 08 2009
DEPARTMENT OF
WATER RESOURCES

September 3, 2009

Monica P. Van Bussum
Sr. Water Resource Agent
IDWR Adjudication Bureau
322 East Front St., PO Box 83720
Boise, ID 83720-098

RE: Objections to Amended Director's Report dated August 24, 2009,
SRBA Civil Case # 39576; Rights #'s 75-13948, 75-13950, 75-14444, 75-14446

Dear Ms. Van Bussum:

As we discussed yesterday, I am forwarding to you copies of objections to the above-listed recommendations in the new Director's Report. As I mentioned, unlike other folks in this case, we received no notice of a court order setting aside the partial decrees that were conditionally granted back on November 17, 2008. Our rights had never been objected to, and IDWR had issued the partial decrees as recommended. Thus, I had no idea that your visit to our properties might have resulted in a reduction of our water rights. The information presented as justification in my objections has always been available to IDWR. Simple subtraction will verify the acreages irrigated, using the exhibits contained in this mailing. Had we received the same advance notice that others were given, I could have given you this information then, as part of our due process. Thus, and as I told you twice during our conversation, I am sorry that this has happened. You and I could have resolved this much earlier on.

As I mentioned, Ilene and I are the only water users in this case who currently raise livestock (sheep) on our property commercially. We and Gertrude Maxwell are the only two water users who currently irrigate pasture that is used for commercial grass leases to non-resident lessees. With the exception of the Gossacks, who pasture their 2 personal horses, *all of the other users are irrigating lawns.*

Regarding the objections for 75-13948 and 75-13950, as I told you yesterday, I will accept 4.0 acres, but not less. Regarding the objections for 75-14444 and 75-1446, that acreage should be raised to 3.2 acres.

If IDWR intends not to revise and reissue our recommendations, I will need to involve my attorney so that your agency can show cause for its decision. Otherwise, as stated on the objection forms, IDWR should contact me directly regarding its resolution of these matters.

Sincerely,



Arden Arrington

Cc: Donald F. Carey Esq., Quane Smith LLP

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DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

A. Subcase

75-14446

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

SEND ALL
NOTICES TO
→

Name:

L. ARDEN ARRINGTON

Address:

Box 1110, SALMON ID 83467

Daytime Phone:

208-756-1322

Name & Address of Attorney, if any:

DONALD CAREY; GWANE SMITH

2235 W. BROADWAY, Suite B

IDAHO FALLS, ID 83402-2948

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name:

L. ARDEN ARRINGTON, ILENE ARRINGTON

Address:

Box 1110, SALMON ID 83467

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: ADJUSTED FOR CORRECT ACREAGE
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: ACREAGE SHOULD BE 3.212 ACRES
10. ☐ **I object because:**
 - ☐ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): SEE ATTACHED
SURVEYOR'S CERTIFICATE / SURVEY DATED 9/2/09, SENT
TO MONICA VAN BUSSUM @ LDWR

F.

VERIFICATION (must be completed)

State of IDAHO)
)ss.

County of LAMHI)

L. ARDEN ARRINGTON, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

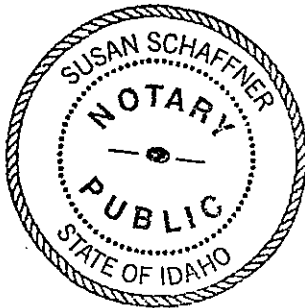
[Signature]
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

9-3-09

[Signature]
Notary Public for Idaho
Residing at: 909 Main St Salmon
My Commission Expires: 3-7-2015 ID.



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 9/3/09, 200 , I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: SELF
Address: _____

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449

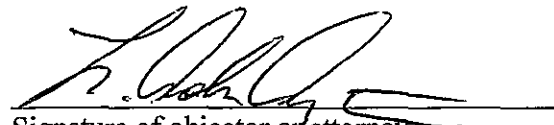

Signature of objector or attorney
mailing on Objector's behalf

Diagram illustrating a traverse with four sides and interior angles:

- Side 1-2: $N 89^{\circ}38'25'' W$, 342.92'
- Side 2-3: $S 87^{\circ}57'10'' E$, 82.76'
- Side 3-4: $N 00^{\circ}02'22'' E$, 34.42'
- Side 4-1: $S 00^{\circ}20'57'' W$, 264.28'

Interior angles at vertices:

- Vertex 1: $N 00^{\circ}02'22'' E$
- Vertex 2: $N 83^{\circ}28'07'' E$
- Vertex 3: $S 87^{\circ}57'10'' E$
- Vertex 4: $S 00^{\circ}20'57'' W$

Point of Beginning (P.O.B.) is marked on side 1-2.



The map shows two adjacent lots, Lot 1 and Lot 2, with their boundaries and areas. The boundaries are defined by bearings and distances. A 20 ft. utility easement is shown on the right side of the lots. The areas of the lots are given in both acres and shaded area.

LOT 1
4.64 ACRES
SHADED AREA
3.212 ACRES

LOT 2
5.39 ACRES
SHADED AREA
4.146 ACRES

20 FT. UTILITY EASEMENT

Other labels on the map include: "N 12°31'21" E 172.49'", "S 79°17'32" E 140.59'", "N 78°09'38" E 328.50'", "S 75°42'12" E 254.16'", "N 12°31'21" E 207.57'", "N 12°31'21" E 207.57'", "S 79°17'32" E 140.59'", "N 78°09'38" E 328.50'", "S 75°42'12" E 254.16'", "N 12°31'21" E 172.49'", "S 79°17'32" E 140.59'", "N 78°09'38" E 328.50'", "S 75°42'12" E 254.16'".

Time: _____ Date: _____ Month: _____, 2005.
Book: _____ Page: _____ Instrument No. _____
Recorder: _____
By: _____

I, Thomas Taylor, a Registered Professional Land Surveyor in the State of Idaho do hereby certify that this plot is an accurate representation of the survey completed under my supervision.

the survey completed under my supervision. 9/2/09

Thomas Taylor Licensed No. 8348 Date

PROFESSIONAL LAND SURVEYOR
REGISTERED
8348
STATE OF IOWA
THOMAS TAYLOR

Section corner control

 Placed 1/2" X 24" Rebar with a plastic cap marked "TMS LS 8348".

 Placed 1/2" X 24" Rebar with a plastic cap marked "TMS LS 8348".

 Found 5/8" Rebar with a plastic cap marked "WADE P.L.S. 5080".

 Found 1/2" Rebar with a plastic cap marked "J&G L.S. 970".

P.O.B. *POINT OF BEGINNING.*



Grey Dog LLC
Sec. 6, T. 22 N., R. 22 E., B.M.

TAYLOR MOUNTAIN SURVEYING
PROFESSIONAL LAND SURVEYING
803 HILLER STREET
Subway, Idaho 83407
(208) 208-6321

JOB NO.:	0408108	STATION:	STATION
DATE:	02-02-00	TIME:	10:00
DRIVE BY:	F.T.	DRIVE BY:	F.T.
CHECK BY:	M.R.B.	CHECK BY:	M.R.B.
100-439100			